IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:04cv35

ROLLING MEADOWS RANCH, INC.,	
Plaintiff,	
Vs.	
))	ORDER OF PARTIAL DISMISSAL
JACKSON COUNTY, a political subdivision) of the States of North Carolina; DUKE	
ENERGY CORPORATION, a North)	
Carolina Corporation; THOMAS SAWYER;) KENNETH WESTMORELAND; and	
MICHAEL ENSLEY,	
Defendants.	
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THIS MATTER is before the court on plaintiff Rolling Meadows Ranch, Inc.'s and the defendants Thomas Sawyer's and Vicki Sawyer's Motion for Approval of Mutual Dismissals (Doc. No. 106). In such motion, the moving parties have represented to the Court that they have agreed to settle the claims between them, including the plaintiff's claims against the moving defendants and the moving defendants' counterclaims against the plaintiff. In addition, the moving parties have agreed that they will bear their own costs and fees, and the plaintiffs have reserved the right to proceed with its claims against the remaining defendants.

The moving parties having stipulated to such terms of dismissal as reflected in the motion, the Court will deem such motion to be the stipulation of the parties, approve the stipulation in accordance with Rule 41(a), Federal Rules of Civil Procedure, and order the claims and counterclaims between the moving parties dismissed with prejudice.

ORDER

IT IS, THEREFORE, ORDERED that

(1) plaintiff Rolling Meadows Ranch, Inc.'s and the defendants Thomas Sawyer's and Vicki Sawyer's Motion for Approval of Mutual Dismissals (Doc. No. 106) is **ALLOWED**;

such motion is **DEEMED** to be a stipulation of mutual dismissal between plaintiff Rolling Meadows Ranch, Inc., and the defendants Thomas Sawyer and Vicki Sawyer, and such stipulation is **APPROVED**, **ACCEPTED**, and **INCORPORATED** herein by reference;

(3) all claims asserted by plaintiff Rolling Meadows Ranch, Inc., against defendants Thomas Sawyer and Vicki Sawyer are **DISMISSED** with prejudice;

(4) all counterclaims asserted by defendants Thomas Sawyer and Vicki Sawyer against plaintiff Rolling Meadows Ranch, Inc., are **DISMISSED** with prejudice;

(5) plaintiff Rolling Meadows Ranch, Inc., and the defendants Thomas Sawyer and Vicki Sawyer shall bear their own costs and attorney's fees; and

(6) such dismissal is entered without prejudice as to plaintiff pursuing its remaining claims against the remaining defendants herein.

Signed: July 10, 2006

Robert J. Conrad, Jr.

Chief United States District Judge